

ESTTA Tracking number: **ESTTA765255**

Filing date: **08/18/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	J. Crew International, Inc.
Granted to Date of previous extension	08/21/2016
Address	770 Broadway New York, NY 10003 UNITED STATES

Name	J. Crew Inc.
Granted to Date of previous extension	08/21/2016
Address	770 Broadway New York, NY 10003 UNITED STATES
Party who filed Extension of time to oppose	J. Crew Inc J. Crew Inc.
Relationship to party who filed Extension of time to oppose	As indicated in the record, the previous extensions were filed in the name of J. Crew Inc. (with a period after "Inc."). Thus, the opposer's name has not changed.

Attorney information	Maryann Licciardi Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES jks@cll.com, trademark@cll.com, mel@cll.com, mxe@cll.com Phone:212-790-9200
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Applicant Information

Application No	79173190	Publication date	02/23/2016
Opposition Filing Date	08/18/2016	Opposition Period Ends	08/21/2016
International Registration No.	1266476	International Registration Date	05/04/2015
Applicant	Cargo Crew Pty Ltd 4-6 Barkly Street AUSTRALIA		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Clothing, namely, shirts, shorts, skirts, pants, trousers, jackets, vests, suits, ties, tee shirts, undershirts, sweatshirts, sweaters, gloves, scarves, braces, overalls, socks, undergarments; footwear; headgear for wear, namely, hats, caps, bandanas, chef hats; uniforms; aprons

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Retail store services featuring apparel, clothing, uniforms, aprons, accessories; Online retail store services featuring apparel, clothing, uniforms, aprons, accessories; fashion show services namely, organisation of fashion shows for commercial purposes; organisation of fashionshows for promotional purposes; production of fashion shows for advertising or promotional purposes; production, organisation and presentation of fashion shows for advertising or promotional purposes; distribution of goods, namely, distributorships in the field of apparel, clothing, uniforms, aprons; wholesale distributorships featuring apparel, clothing, footwear, headgear, uniforms, aprons; demonstration of goods for promotional purposes; business advisory services relating to business topics as they relate to product development; advertising and promotional services of business; promotional services; promotional services in the field of trade; wholesaling of goods namely, wholesale ordering services in the field of apparel, clothing, footwear, headgear, uniforms, aprons; distribution of samples; manufacturer's representatives services in the field of apparel, clothing, uniforms, aprons, accessories; providing business information via a web site; online advertising on a computer network; providing information, including online, about advertising, business management and administration and office functions; design of publicity material; design of advertising content for promotional purposes

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Design for other in the field of clothing and fashion; design of clothing; design of fashion accessories; fashion design; commercial art design and graphic art design; commercial design services, namely, design for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; design of corporate identity, namely, fashion design services for commercial hospitality and retail clients; design services for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; graphic arts design; graphic design services; pattern design services for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; product development; textile design services

Grounds for Opposition

Other	See attached pleading.
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Attachments	CARGO CREW - Notice of Opposition 081816.pdf(32659 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Maryann Licciardi/
Name	Maryann Licciardi
Date	08/18/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 79173190
Filed: May 4, 2015
Published in the Official Gazette of February 23, 2016

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J. CREW INTERNATIONAL, INC. and J. CREW INC.,	:	<u>CONSOLIDATED NOTICE OF OPPOSITION</u>
Opposers,	:	Opposition No.
v.	:	
CARGO CREW PTY LTD,	:	
Applicant.	:	
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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

J. Crew International, Inc., a Delaware corporation, and J. Crew Inc., a Delaware corporation and an affiliated company of J. Crew International, Inc., believe that they will be damaged by registration of the mark shown in Application Serial No. 79173190 filed by Cargo Crew Pty Ltd (“Applicant”) on May 4, 2015, and hereby oppose the same.

As grounds for opposition, it is alleged that:

1. For many years and since long prior to May 4, 2015, Applicant’s constructive first use date, J. Crew International, Inc., J. Crew Inc., their affiliates, and their predecessors (referred to as “Opposers”) have engaged throughout the United States in the design, sale and marketing of a wide variety of clothing, footwear, headwear, bags and accessories, as well as the provision of retail store, online store, and factory store services in these fields.

2. For many years and since long prior to May 4, 2015, Applicant's constructive first use date, Opposers have used names and/or marks comprising or containing the word CREW, alone or with other word, letter and or design elements ("Opposers' CREW Marks") in connection with their various goods and services.

3. Opposer J. Crew International, Inc. is the owner of the following federal registrations and applications for Opposers' CREW Marks:

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
CREW	1,348,064	7/9/85	Dress shirts, vests, skirts, pants and shorts
CREW	2,431,701	2/27/01	Shirts, vests, pullovers, tops, skirts, dresses, jackets, coats, pants, jeans, trousers, shorts, sweaters, hats, caps, scarves, neckties, belts, coats, pajamas, boxer shorts, swimwear, socks and footwear
J. CREW	1,308,888	12/11/84	Luggage, umbrellas, handbags, duffel bags, men's and women's shirts, sweaters, shoes, caps, hats, bandanas, shorts, sweatshirts, pants, belts, socks, jackets, slickers, skirts, blouses, dresses, retail catalog services in the field of clothing, luggage and clothing accessories
J. CREW	2,351,667	5/23/00	Retail outlet and retail store services in the field of clothing and accessories
J. CREW	2,462,509	6/19/01	Necklaces, bracelets, earrings, rings
J. CREW	3,737,898	1/12/10	Intimate apparel, namely, pants, tank tops, shorts, t-shirts, pajamas; swimwear
J. CREW	3,622,997	5/19/09	Credit card services
J. CREW	4,190,784	8/14/12	Magnetic coded gift cards; Issuing gift certificates which may then be redeemed for goods or services
J. CREW	4,144,171	5/15/12	Promoting public awareness of socially responsible business practices; providing information on-line relating to socially responsible business practices

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
J. CREW	4,598,134	9/2/14	Battery chargers; cell phone battery chargers; protective covers and cases for tablet computers; protective covers for smartphones; Stationery; date books; rubber stamps; notebooks; paper napkins; coasters made of paper; Picture frames; personal compact mirrors; Water bottles sold empty; Playing cards and card games
J. CREW	3,098,101	5/30/06	On-line catalog services featuring clothing and accessories distributed by means of a global computer information network
J. CREW	4,756,806	6/16/15	Baby blankets and beach towels; Hair accessories, namely, barrettes, bobby pins, claw clips, hair ties, hair bands, hair clips, hair elastics and hair ornaments in the form of combs
J. CREW	4,882,454	1/5/16	Eyeglasses; sunglasses; eyeglass and sunglass cases; electronic and magnetic encoded gift cards; battery chargers; cell phone battery chargers; protective covers and cases for tablet computers; protective covers for smartphones; Necklaces, bracelets, earrings and rings, cuff links, bangles, brooches, jewelry, watch bands and straps, tie clips, tie bars, and jewelry, namely, arm cuffs; Umbrellas, luggage, handbags, duffel bags, tote bags, travel bags, backpacks, school bags, sports bags, beach bags, haversacks, clutch bags, messenger bags, satchels, travel kits, namely, toiletry cases sold empty, briefcases, wallets, valises, garment bags for travel, key cases, attaché cases, billfolds and business card cases, credit card cases; Eyeglass cleaning cloths; water bottles sold empty; Beach towels, baby blankets handkerchiefs; Shirts, sweaters, cardigans, shorts, dress pants, pants, overalls, sweatshirts, blouses, dresses, gowns, wedding

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			dresses, skirts, knit tops, boxer shorts, pajamas, nightgowns, undershirts, underwear, tank tops, lingerie, bodysuits, halter tops, camisoles, loungewear, and exercise and aerobic wear, namely, pants, shorts, t-shirts, skirts, tights, tank tops; clothing of leather, namely, leather vests, skirts, jackets, pants, hats, coats, and belts; slips, t-shirts, neckties, trousers, vests, suits, blazers, waistcoats, tuxedos, jeans, robes, leggings, socks, belts, scarves, hats, caps, bandannas, headbands, berets, ear muffs, sports jackets, and outerwear, namely, coats, rain coats, jackets, parkas, slickers; jumpsuits, swimwear, gloves, mittens, bow ties, shawls, mufflers, veils, shoes, sneakers, sandals, and boots; dress shoes; footwear; intimate apparel, namely, pants, tank tops, shorts, t-shirts, and pajamas; pocket squares; and suspenders; Electronic, mail order, and web-based retail catalog services in the fields of clothing, headgear, swimwear, footwear, bags, fashion accessories, eyewear, sunglasses, jewelry, watches, personal care products, perfumes, fragrances, toys, games, sporting goods, books, paper stationery, and playthings; online retail store, retail outlet store, and retail store services in the fields of clothing, headgear, swimwear, footwear, bags, fashion accessories, eyewear, sunglasses, jewelry, watches, personal care products, perfumes, fragrances, toys, games, sporting goods, books, paper stationery, and playthings; online retail store, retail outlet store, and retail store services featuring men's, women's, children's, and baby's clothing, headgear, swimwear, footwear,

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			bags, fashion accessories, eyewear, sunglasses, jewelry, watches, personal care products, perfumes, fragrances, toys, games, sporting goods, books, paper stationery, and playthings; online retail store and retail store services featuring a wide variety of consumer goods of others; retail department store services; on-line retail department store services; promoting public awareness of socially responsible business practices; providing information on-line relating to socially responsible business practices; issuing gift certificates which may then be redeemed for goods or services
J. CREW (Stylized)	3,870,032	11/2/10	Necklaces, bracelets, earrings and rings; umbrellas, handbags, messenger bags, duffel bags; shirts, sweaters, shoes, caps, hats, shorts, sweatshirts, pants, belts, socks, jackets, skirts, blouses, dresses; t-shirts, sweat pants, coats, jackets, suits, swimwear, underwear, sleepwear, loungewear, tights, gloves, scarves, ties, and footwear; intimate apparel, namely, pants, tank tops, shorts, t-shirts, pajamas; online store, retail outlet, and retail store services in the fields of clothing, footwear, bags, accessories, sunglasses, jewelry, and watches; mail order catalog services in the fields of clothing and accessories; credit card services
J. CREW (Stylized)	4,368,617	7/16/13	Entertainment services, namely, providing an on-line blog and journal in the field of fashion, beauty and lifestyle
J. CREW (Stylized)	4935633	4/12/2016	Protective covers and cases for smartphones; Jewelry, bangles, bracelets, earrings, necklaces, rings, tie clips; Credit card cases and holders, messenger bags,

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			tote bags, wallets, passport holders; Clothing, namely, shirts, t-shirts, polos, sweatshirts, knit tops, bandanas, pants, jeans, shorts, knit bottoms, swimwear, sleepwear; outerwear, namely, jackets, leather jackets, coats, rain coats, vests; belts; footwear, shoes, sandals, boots, dress shoes; Catalog ordering services featuring clothing, footwear, bags, sunglasses, jewelry, watches, and fashion accessories; retail store services in the fields of clothing, footwear, bags, sunglasses, jewelry, watches, and fashion accessories ; mail order catalog services in the fields of clothing, footwear, bags, sunglasses, jewelry, watches, and fashion accessories; Credit card services
CREWCUTS	3,107,778	6/20/06	Shirts, sweaters, sweatshirts, jackets, pants, skirts, coats, caps, hats, socks and footwear
CREWCUTS	3,163,866	10/24/06	Totebags, backpacks, wallets, school bags, school book bags, sports bags; hair accessories, namely, twistors, snap clips; barrettes; hair bands; hair bows; hair buckles; hair clips; hair ornaments in the form of combs; hair ribbons; retail stores and on-line retail store services all featuring children's clothing
CREWCUTS and Design	4,172,027	7/10/12	Jewelry; necklaces, bracelets, rings, pins being jewelry; packaging, namely, paper and cardboard boxes; bags, namely, tote bags, backpacks, wallets, school bags, school book bags; apparel, namely, shirts, sweaters, sweatshirts, jackets, pants, skirts, coats, caps, hats, socks, belts and footwear, scarves, ties, bathing suits, tights,

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			rompers, vests; hair accessories, namely, snap clips; barrettes; hair bands; hair bows; hair clips
CREWCUTS	4,652,335	12/9/14	Jewelry; necklaces, bracelets, rings, pins being jewelry
J. CREW COLLECTION	4,781,357	7/28/15	clothing, namely, blazers, blouses, cardigans, dress pants, dresses, jumpsuits, knit tops, leggings, pants, scarves, shawls, shirts, shorts, skirts, sweaters, sweatshirts, sweatpants, tank tops, trousers, tunics, t-shirts, vests; outerwear, namely, coats, jackets, parkas, ponchos, rain coats; clothing of leather, namely, skirts, shorts, jackets, pants, coats; footwear, shoes, dress shoes, sandals, boots; online retail store and retail store services in the fields of clothing, footwear and jewelry
J. CREW BABY and Design	4,717,463	4/7/15	clothing, namely, baby bunting, bathing suits, bloomers, bodysuits, booties, cardigans, coats, coveralls, dresses, hats, infant sleepers, infant wear, jackets, jumpers, knit tops, layettes, leggings, leotards, loungewear, mittens, one-piece garments for children, outerwear, namely, coats, jackets, and snow suits; pajamas, pants, play suits, rash guards, rompers, shirts, shorts, skirts, sleepwear, snow suits, socks, sweaters, sweatshirts, swimwear, tights, t-shirts, tunics; footwear
J. CREW BABY	4,709,191	3/24/15	clothing, namely, baby bunting, bathing suits, bloomers, bodysuits, booties, cardigans, coats, coveralls, dresses, hats, infant sleepers, infant wear, jackets, jumpers, knit tops, layettes, leggings, leotards, loungewear, mittens, one-piece garments for children, outerwear, namely, coats, jackets, and snow suits; pajamas, pants, play suits, rash guards, rompers, shirts, shorts, skirts, sleepwear, snow suits, socks, sweaters, sweatshirts,

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			swimwear, tights, t-shirts, tunics; footwear; retail stores and on-line retail store services in the fields of clothing, footwear, bags, toys, playthings and accessories therefor
J. CREW FACTORY	4,084,606	1/10/12	Online store and retail store services in the fields of clothing, footwear, bags, sunglasses, jewelry, watches, and accessories
J. CREW UNTUCKED	3,240,424	5/8/07	Shirts, t-shirts, sweaters, sweat shirts, coats, jackets, pants, sleepwear, loungewear, socks and footwear
J. CREW STYLE GUIDE	4,261,541	12/18/12	Mail order catalog and online catalog services featuring clothing, footwear, bags, luggage, sunglasses, jewelry, watches, and fashion accessories
J. CREW MERCANTILE and Design	4,895,913	2/2/16	Online retail store and retail store services in the fields of clothing, footwear, bags, sunglasses, jewelry, watches, and accessories for all the preceding goods
J. CREW MERCANTILE	4,838,476	10/20/15	Online retail store and retail store services in the fields of clothing, footwear, bags, sunglasses, jewelry, watches, and accessories for all the preceding goods
J. CREW MERCANTILE	86/285414	5/19/14	Clothing, namely, shirts, t-shirts, sweaters, sweatshirts, cardigans, jerseys, knit tops, caps, hats, bandannas, headbands, berets, ear muffs, mufflers, scarves, shawls, veils, shorts, jeans, pants, trousers, dress pants, pocket squares, suspenders, aprons, overalls, jumpsuits, belts, socks, leggings, tights, skirts, blouses, dresses, gowns, wedding dresses, sweat pants, suits, blazers, sports jackets, waistcoats, tuxedos, vests, swimwear, leotards, layettes, underwear, thongs, tank tops, bras, panties, lingerie,

<u>Mark</u>	<u>Reg./App. No.</u>	<u>Reg./App. Date</u>	<u>Goods/Services</u>
			bodysuits, halter tops, camisoles, slips, boxer shorts, robes, sleepwear, nightgowns, undershirts, loungewear, gloves, mittens, ties, bow ties, neckties, and outerwear, namely, coats, rain coats, parkas, slickers, jackets, and exercise and aerobic wear, namely, t-shirts, shorts, tank tops, pants, skirts, tights, padded shorts, sports bras, and athletic shoes, and clothing of leather, namely, vests, skirts, jackets, pants, hats, coats, and belts; and footwear, shoes, sneakers, sports shoes, sandals, athletic shoes, and boots; and intimate apparel, namely, pants, tank tops, shorts, t-shirts, and pajamas
J. CREW MERCANTILE	86/128624	11/25/13	Jewelry; necklaces, bracelets, earrings, rings, watches; Bags, namely, handbags, duffel bags, tote bags, travel bags, backpacks, school bags, sports bags, beach bags, haversacks, clutch bags, messenger bags; umbrellas; satchels; travel kits, namely, toiletry cases sold empty; brief cases; luggage; wallets; valises; garment bags for travel; key cases; attache cases; billfolds and business card cases, credit card cases

Registration Nos. 1,308,888; 1,348,064; 2,431,701; 2,351,667; 2,462,509; 2,929,166; 3,098,101; 3,107,778; 3,163,866; 3,240,424 and 3,622,997 are incontestable.

4. Additionally, Opposers have informally come to be known as “Crew” by both the public and within the trade.

5. On May 4, 2015, Applicant filed an Application in the United States Patent and Trademark Office, Serial No. 79173190, pursuant to section 66(a) requesting an extension of protection to the United States of an international registration, for the registration on the Principal Register of the standard character word mark CARGO CREW for:

Class 25: Clothing, namely, shirts, shorts, skirts, pants, trousers, jackets, vests, suits, ties, tee shirts, undershirts, sweatshirts, sweaters, gloves, scarves, braces, overalls, socks, undergarments; footwear; headgear for wear, namely, hats, caps, bandanas, chef hats; uniforms; aprons;

Class 35: Retail store services featuring apparel, clothing, uniforms, aprons, accessories; Online retail store services featuring apparel, clothing, uniforms, aprons, accessories; fashion show services namely, organisation of fashion shows for commercial purposes; organisation of fashion shows for promotional purposes; production of fashion shows for advertising or promotional purposes; production, organisation and presentation of fashion shows for advertising or promotional purposes; distribution of goods, namely, distributorships in the field of apparel, clothing, uniforms, aprons; wholesale distributorships featuring apparel, clothing, footwear, headgear, uniforms, aprons; demonstration of goods for promotional purposes; business advisory services relating to business topics as they relate to product development; advertising and promotional services of business; promotional services; promotional services in the field of trade; wholesaling of goods namely, wholesale ordering services in the field of apparel, clothing, footwear, headgear, uniforms, aprons; distribution of samples; manufacturer's representative services in the field of apparel, clothing, uniforms, aprons, accessories; providing business information via a web site; online advertising on a computer network; providing information, including online, about advertising, business management and administration and office functions; design of publicity material; design of advertising content for promotional purposes; and

Class 42: Design for other in the field of clothing and fashion; design of clothing; design of fashion accessories; fashion design; commercial art design and graphic art designing; commercial design services, namely, design for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; design of corporate identity, namely, fashion design services for commercial hospitality and retail clients; design services for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; graphic arts design; graphic design services; pattern design services for others in the field of apparel, clothing, footwear, headgear, uniforms, aprons; product development; textile design services.

6. Commencing long prior to May 4, 2015, Applicant's constructive first use date, Opposers have extensively advertised and otherwise promoted the sale of their goods and

services bearing Opposers' CREW Marks and have sold such goods and rendered such services in interstate commerce.

7. Upon information and belief, Applicant made no use in United States commerce of the CARGO CREW mark in connection with the applied-for goods and/or services prior to its constructive first use date of May 4, 2015.

8. The goods and services covered by the Application are identical to and/or closely related to the goods and services in connection with which Opposers have used Opposers' CREW marks.

9. Applicant's CARGO CREW mark is comprised of the exact same word "CREW" as in Opposers' CREW Marks and the word "CARGO," which is disclaimed in the Application and is not distinctive.

10. Applicant's CARGO CREW mark so resembles Opposers' CREW Marks, as to be likely, when applied to Applicant's goods and services, to cause confusion, or to cause mistake, or to deceive because the public is likely to believe that Applicant's CARGO CREW goods and services have their origin with Opposers and/or that such goods and services are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for the CARGO CREW mark.

WHEREFORE, Opposers pray that the consolidated opposition be sustained and registration be denied.

Please recognize as attorneys for Opposers in this proceeding Joel Karni Schmidt and Maryann Licciardi (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036-1525.

Please address all communications to Joel Karni Schmidt, Esq. at the address listed below.

Dated: New York, New York
August 18, 2016

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: /Maryann Licciardi/
Joel Karni Schmidt
Maryann Licciardi
114 West 47th Street
New York, NY 10036-1525
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that, on August 18, 2016, I caused a true and complete copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION to be sent via First Class Mail International, postage prepaid, to Applicant's Correspondent of Record, Jennifer Tutty, Studio Legal, PO Box 1096, Windsor VIC, 3181, Australia.

Dated: New York, New York
August 18, 2016

_____/Maryann Licciardi/
Maryann Licciardi